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6 **UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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9 STEVE WHEAT,
10 Plaintiff,
11 v.
12 WAL-MART ASSOCIATES, INC.,
13 Defendant.

14 No. 1:22-cv-01524-BAM
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**ORDER TO SHOW CAUSE REGARDING
PLAINTIFF'S MOTION TO COMPEL
DEPOSITIONS**
**ORDER VACATING DECEMBER 6, 2024
HEARING ON PLAINTIFF'S MOTION TO
COMPEL DEPOSITIONS**
(Doc. 73)

17 On November 4, 2024, the Court issued an order denying Plaintiff's requests for
18 discovery relief as untimely, noting that the Court's September 17, 2024 order on the parties'
19 stipulation clarified that non-expert discovery was "Extended Solely to Complete Deposition of
20 Plaintiff's Three Treating Providers and Plaintiff's Deposition Due to Power Outage from
21 September 20, 2024 to November 1, 2024" and non-expert discovery otherwise closed on August
22 31, 2024. (See Doc. 38, Doc. 65 at 5, Doc. 72 at 2.) The Court found that Plaintiff's argument
23 that an abbreviated docket note extended discovery was incorrect and misrepresented the Court's
24 order. (See Doc. 71 at 2, Doc. 72 at 2.) The Court's order stated that November 1 was the
25 extended discovery cut off solely for the specifically identified deponents. (See Doc. 65 at 5
26 ("Closure of Discovery Extended Solely to Complete Plaintiff's Deposition, Complete Dr. Tyler
27 May's deposition, and take the deposition of Davina Uchegbu in Modification of Docket No.
28

1 59.”). The Court forewarned Plaintiff “against filing frivolous and meritless motions which
2 unduly consume judicial resources;” noted that “Plaintiff’s conduct imposes a significant burden
3 on the Court’s limited resources in reviewing and deciding meritless, repetitious, and voluminous
4 filings;” and cautioned that “Plaintiff must follow the Court’s orders or risk sanctions.” (Doc. 72
5 at 3.)

6 On November 12, 2024, Plaintiff filed a Motion to Compel the Depositions of Uriel
7 Rosalez, Kent Delperdang, Luis Garcia, Chad Lee and Jose Gonzalez and a Request for
8 Monetary Sanctions Against Walmart in the Amount of \$4,260. (Doc. 73.) Plaintiff again
9 argues that the Court’s September 17, 2024 order “unambiguously states: ‘Closure of Non-
10 Expert Discovery due 11/01/2024’” and therefore non-expert discovery remained open for
11 Plaintiff’s intended depositions until November 1, 2024. (Doc. 73 at 4.)

12 Given Plaintiff’s disregard for the Court’s prior orders and warnings against
13 misrepresenting the Court’s orders or further burdening the Court’s limited resources, Plaintiff’s
14 counsel is ORDERED TO SHOW CAUSE for the failure to properly follow the Court’s orders.
15 Counsel shall respond to the Order to Show Cause in writing no later than **November 20, 2024**
16 by filing a brief of no more than five (5) pages explaining why the motion to compel is not
17 duplicative of Plaintiff’s prior filings and whether Plaintiff misrepresents the Court’s orders.
18 Counsel may also respond to this Order to Show Cause by withdrawing the apparently
19 duplicative motion to compel (Doc. 73). Failure to comply with this order may be grounds for
20 the imposition of sanctions.

21 To avoid burdening the Court’s limited resources, Defendant need not respond to
22 Plaintiff’s motion to compel until this Order to Show Cause is resolved, and the Court requests a
23 response from Defendant. The motion hearing set for December 6, 2024 is therefore
24 VACATED.
25 IT IS SO ORDERED.

26 Dated: November 13, 2024

27 /s/ *Barbara A. McAuliffe*
28 UNITED STATES MAGISTRATE JUDGE